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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,760	12/30/2003	Craig R. Watkins	863.0020.U1(US)	2697
29683	7590	06/18/2007		
HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER SMITHERS, MATTHEW	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/748,760

**Applicant(s)**

WATKINS ET AL.

**Examiner**

Matthew B. Smithers

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 16-19 and 24-27 is/are allowed.
- 6) ☒ Claim(s) 12-15 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/26/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed March 26, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., comparing a second certificate to a first certificate and determining the authenticity if the two certificates are substantially the same) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-15 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,145,079 granted to Mitty et al.

Regarding claim 12, Mitty meets the claimed limitations as follows:

"A method for authenticating a network device over a network, comprising: generating a certificate; sending the certificate to an other network device, wherein the other network device enables storage of the certificate; resending the certificate to the other network device; and if the resent certificate and the stored certificate are substantially the same, receiving authentication." see abs., sum. figs. 1A-3A, and 8, col. 3, lines 9-20 et seq., col. 4, lines 25-67 et seq., col. 7, lines 40: col. 8, lines 48 et seq., col. 10, lines 30-55 et seq., and col. 14-15 et seq.

Regarding claim 13, Mitty meets the claimed limitations as follows:

"The method of claim 12, wherein generating the certificate is performed by the other network device." see abs., sum. figs. 1A-3A, and 8, col. 3, lines 9-20 et seq., col. 4, lines 25-67 et seq., col. 7, lines 40: col. 8, lines 48 et seq., col. 10, lines 30-55 et seq., and col. 14-15 et seq.

Regarding claim 14, Mitty meets the claimed limitations as follows:

"The method of claim 12, wherein the network device is configured to generate the first certificate." see abs., sum. figs. 1A-3A, and 8, col. 3, lines 9-20 et seq., col. 4, lines 25-67 et seq., col. 7, lines 40: col. 8, lines 48 et seq., col. 10, lines 30-55 et seq., and col. 14-15 et seq.

Regarding claim 15, Mitty meets the claimed limitations as follows:

"The method of claim 12, wherein a third party Certificate Authority (CA) is configured to generate the first certificate." see abs., sum. figs. 1A-3A, and 8, col. 3, lines 9-20 et seq., col. 4, lines 25-67 et seq., col. 7, lines 40: col. 8, lines 48 et seq., col. 10, lines 30-55 et seq., and col. 14-15 et seq.

Regarding claim 20, Mitty meets the claimed limitations as follows:

"An apparatus for receiving authentication over a network, comprising: a first component configured to generate a certificate; a second component, coupled to the first component, configured to send the certificate to a server; and a third component, coupled to the second component, configured to resend the certificate to the server over the network, wherein resending the certificate enables the server to authenticate a client based, in part, on a comparison of the sent certificate and the resent certificate." see abs., sum. figs. 1A-3A, and 8, col. 3, lines 9-20 et seq., col. 4, lines 25-67 et seq., col. 7, lines 40: col. 8, lines 48 et seq., col. 10, lines 30-55 et seq., and col. 14-15 et seq.

Regarding claim 21, Mitty meets the claimed limitations as follows:

"The apparatus of claim 20, wherein the apparatus operates as at least one of a client, a portable computer, and a personal digital assistant." see abs., sum. figs. 1A-3A, and 8, col. 3, lines 9-20 et seq., col. 4, lines 25-67 et seq., col. 7, lines 40: col. 8, lines 48 et seq., col. 10, lines 30-55 et seq., and col. 14-15 et seq.

Regarding claim 22, Mitty meets the claimed limitations as follows:

"The apparatus of claim 20, wherein the certificate is sent to the server using a trusted mechanism selected from at least one of a manual entry of certificate, a secure channel, and a private channel." see abs., sum. figs. 1A-3A, and 8, col. 3, lines 9-20 et seq., col. 4, lines 25-67 et seq., col. 7, lines 40: col. 8, lines 48 et seq., col. 10, lines 30-55 et seq., and col. 14-15 et seq.

Regarding claim 23, Mitty meets the claimed limitations as follows:

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"The apparatus of claim 22, wherein the trusted mechanism further comprises at least one of the client authenticating to the server, and the client proving ownership of the certificate to the server." see abs., sum. figs. 1A-3A, and 8, col. 3, lines 9-20 et seq., col. 4, lines 25-67 et seq., col. 7, lines 40: col. 8, lines 48 et seq., col. 10, lines 30-55 et seq., and col. 14-15 et seq.

***Allowable Subject Matter***

Claims 1-11, 16-19 and 24-27 are allowed.

The following is an examiner's statement of reasons for allowance: The present invention is directed to a method and system for authenticating a client. Independent claims 1, 16, 224 and 26 each recite the uniquely distinct features of "". The closest prior art, Mitty et al (US 6,145,079), discloses a system for authenticating clients using certificates fails to anticipate or render the underlined limitations obvious..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

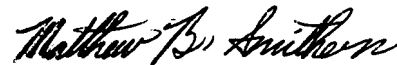
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Matthew B Smithers  
Primary Examiner  
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